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MINISTRY OF HOME AFFAIRS

ORDER

New Delhi the 14th August, 1964.

S.O. 2814.—In exercise of the powers conferred by sub-section (1) of section 4 of the Inter-State Corporations Act, 1957 (38 of 1957), the Central Government, after consulting the Governments of the States of Gujarat, Mysore and Rajasthan, approves with certain modifications the scheme forwarded by the Government of Maharashtra relating to the reorganisation of the Bombay State Pharmacy Council, a Corporation established under the Pharmacy Act, 1948 (8 of 1948) and now functioning in parts of the States of Gujarat, Maharashtra, Mysore and Rajasthan, and for the purpose of giving effect to the said scheme, the Central Government hereby makes the following Order, namely:—

1. **Short title and Commencement**—(1) This Order may be called the Bombay State Pharmacy Council (Reorganisation) Order, 1964.

(2) It shall come into force on the 1st day of September, 1964.

2. **Definitions.**—In this Order, unless the context otherwise requires:—

- (a) "Abu area" means the Abu Road taluk of Banaskantha district transferred from the former State of Bombay to the new State of Rajasthan by virtue of the States Reorganisation Act, 1956 (37 of 1956);
- (b) "Act" means the Pharmacy Act, 1948 (8 of 1948);
- (c) "appointed day" means the date of the commencement of this Order;
- (d) "Bombay area of the State of Gujarat" means the area of the State of Gujarat excluding the Saurashtra and Kutch areas thereof;
- (e) "Bombay area of the State of Maharashtra" means the area of the State of Maharashtra excluding the Vidarbha region and the Hyderabad area thereof;
- (f) "existing Council" means the Bombay State Pharmacy Council, constituted under the Act, functioning and operating immediately before the appointed day in parts of the State of Maharashtra, Gujarat, Mysore and Rajasthan;
- (g) "former State of Bombay" means the State of Bombay as on the 31st October, 1956;
- (h) "Hyderabad area of the State of Maharashtra" means the territories of the former State of Hyderabad transferred under clause (b) of sub-section (1) of section 8 of the States Reorganisation Act, 1956 (37 of 1956) and which form part of the State of Maharashtra;
- (i) "Karnatak area" means the districts of Bijapur, Dharwar and Kanara and the Belgaum district (excluding the Chandgad taluka) transferred

from the former State of Bombay to the new State of Mysore under clause (b) of sub-section (1) of section 7 of the States Reorganisation Act, 1956 (37 of 1956);

- (j) "Kutch area of the State of Gujarat" means the territories of the former State of Kutch transferred under clause (e) of sub-section (1) of section 8 of the States Reorganisation Act, 1956 (37 of 1956) and which form part of the State of Gujarat;
- (k) "Saurashtra area of the State of Gujarat" means the territories of the former State of Saurashtra transferred under clause (d) of sub-section (1) of section 8 of the States Reorganisation Act, 1956 (37 of 1956) and which form part of the State of Gujarat;
- (l) "Vidarbha region of the State of Maharashtra" means the territories of the State of Madhya Pradesh transferred under clause (c) of sub-section (1) of section 8 of the State Reorganisation Act, 1956 (37 of 1956) and which form part of the State of Maharashtra;
- (m) words and expressions used herein and not defined in this Order but defined in the Act, shall have the meanings assigned to them in the Act.

3. Dissolution of existing Council and constitution of separate Councils in the State of Maharashtra and the State of Gujarat.—(1) As from the appointed day:—

- (a) the existing Council shall stand dissolved, and the members thereof shall vacate their office:

Provided that any person elected by the Bombay State Pharmacy Council under clause (g) of section 3 of the Act, as a member representing that State on the Central Council, shall continue to hold the membership of the Central Council until the expiry of the term of this office or until the election of another person in his place by the Maharashtra State Council, which ever is later;

- (b) the Government of Maharashtra shall constitute a Council, which shall be called the Maharashtra State Pharmacy Council and which shall be constituted in the manner specified in section 19 of the Act:

Provided that, the six members to be elected by registered pharmacists under clause (a) of the said section 19 and the member to be elected by the Medical Council under clause (c) of that section, shall also be nominated by the Government of Maharashtra;

- (c) the Government of Gujarat shall constitute a Council, which shall be called the Gujarat State Pharmacy Council and which shall be constituted in the manner specified in section 19 of the Act:

Provided that, the six members to be elected by registered pharmacists under clause (a) of the said section 19 and the member to be elected by the Medical Council under clause (c) of that section, shall also be nominated by the Government of Gujarat.

(2) The members of the Maharashtra State Pharmacy Council and the Gujarat State Pharmacy Council constituted under sub-paragraph (1) shall hold office for a period of five years from the date of their nomination, or till such time as a Council is duly constituted under section 19 of the Act after a register of pharmacists for the State of Maharashtra or the State of Gujarat, as the case may be, is prepared, whichever is earlier.

(3) The Presidents and the Vice-Presidents of the Maharashtra State Pharmacy Council and of the Gujarat State Pharmacy Council shall be nominated by the Government of Maharashtra and the Government of Gujarat, as the case may be, from amongst the members of the relevant Council.

- (4) The Maharashtra State Pharmacy Council shall function and operate:—

- (i) in the Bombay area and the Hyderabad area of the State of Maharashtra with effect from the appointed date; and
- (ii) in the Vidarbha region of the State of Maharashtra, with effect from such date as the Government of Maharashtra may appoint by notification under the proviso to sub-section (3) of section 1 of the Act, published in the Official Gazette, as being the date on which Chapters III and V of the Act shall have effect in the said area.

(5) The Gujarat State Pharmacy Council shall function and operate—

- (i) in the Bombay area and the Kutch area of the State of Gujarat, with effect from the appointed day;
- (ii) in the Saurashtra area of the State of Gujarat, with effect from such date as the Government of Gujarat may appoint by notification under the proviso to sub-section (3) of the section 1 of the Act, published in the Official Gazette, as being the date on which Chapters III, IV and V of the Act shall have effect in the said area.

4. Powers of Council for the Karnatak area and Abu area to be exercised by the Government of Mysore and the Government of Rajasthan, respectively.—Until such time as a State Council is duly constituted under the Act for the States of Mysore and Rajasthan, the State Governments of Mysore and Rajasthan shall in the Karnatak area and the Abu area, respectively, exercise all the powers and perform the functions of the Council under the Act.

5. Appointment of Registrars.—(1) the Registrar of the existing Council holding office immediately before the appointed day shall, as from that date, be deemed to be the Registrar of the Maharashtra State Pharmacy Council on the same terms and conditions as were applicable to him immediately before that date, and until they are duly varied by a competent authority under the Act.

(2) Subject to the provisions of section 26 of the Act the Government of Gujarat shall appoint a person to be the Registrar of the Gujarat State Pharmacy Council on such terms and conditions as it deems fit.

6. Provision relating to employees of existing Council other than Registrar.—

(1) All officers and servants (other than the Registrar) of the existing Council, holding office immediately before the appointed day, shall, as from that date be deemed to have been allotted to serve under the Maharashtra State Pharmacy Council on the same terms and conditions which were applicable to them immediately before that date, and until they are duly varied by a competent authority under the Act.

(2) Until the Gujarat State Pharmacy Council makes any other provisions in this behalf under section 26 of the Act, the Government of Gujarat shall appoint officers and servants (other than the Registrar) of the Gujarat State Pharmacy Council on such terms and conditions as it deems fit.

7. Provisions regarding register.—(1) The Maharashtra State Pharmacy Council shall prepare a register of pharmacists for the State of Maharashtra, which shall include the names of all pharmacists included in the registers of pharmacists for the former State of Bombay prepared and maintained under section 29 of the Act, whose residential addresses as shown in that register on the appointed day do not fall in the territories of the State of Gujarat or in the Karnatak or Abu area, and the names of all pharmacists included in the register for the former State of Madhya Pradesh, prepared and maintained likewise, whose residential addresses as shown in that register on the appointed day fall in the territories of the State of Maharashtra;

Provided that, the names of pharmacists in the register of pharmacists for the former State of Madhya Pradesh shall not be included in the register for the State of Maharashtra until the Maharashtra State Pharmacy Council starts functioning and operating in the Vidarba region of the State of Maharashtra under clause (ii) of sub-paragraph (4) of paragraph 3.

(2) The Gujarat State Pharmacy Council shall prepare a register of pharmacists for the State of Gujarat, which shall include the names of all pharmacists included in the register of pharmacists for the former State of Bombay prepared and maintained under section 29 of the Act, whose residential addresses as shown in the register on the appointed day, fall in the territories forming part of the State of Gujarat.

(3) Until a new register is prepared under sub-paragraph (1) or (2), the register duly maintained and in force in the Bombay area of the State of Maharashtra and the Bombay area of the State of Gujarat immediately before the appointed day shall be deemed to be the register of pharmacists for that part of the State of Maharashtra or Gujarat, as the case may be, in which it was in force.

(4) Any person whose name stands included in the register of pharmacists for the former State of Bombay prepared and maintained under section 29 of the Act and whose residential address as shown therein on the appointed day falls in the

Karnatak area or the Abu area, shall be entitled to have his name entered in the register of pharmacists for the State of Mysore or the State of Rajasthan, as the case may be, without being required to pay any fee.

8. Recovery of outstanding fees and dues.—All fees and other dues payable to the existing Council under the Act shall:—

- (a) if the dues are payable in respect of the period beginning with the first day of May, 1960 and ending on the appointed day, by any pharmacist or other person who is ordinarily resident in the Bombay area of the State of Gujarat, be recoverable by the Gujarat State Pharmacy Council;
- (b) if the dues are payable in respect of the period beginning on the first day of November, 1956 and ending on the appointed day, by any pharmacist or other person who is ordinarily resident in the Karnatak area or the Abu area, be recoverable by the Government of Mysore or the Government of Rajasthan, as the case may be;
- (c) in any other case, be recoverable by the Maharashtra State Pharmacy Council.

9. Division of moneys of existing Council.—The cash balances (whether in the form of cash or securities) held by the existing Council immediately before the appointed day, shall, after deducting all the liabilities of the existing Council upto that date, be apportioned among the Maharashtra State Pharmacy Council, the Gujarat State Pharmacy Council, the Government of Mysore and the Government of Rajasthan in proportion of the number of pharmacists ordinarily resident in the Bombay area of the State of Maharashtra, the Bombay area of the State of Gujarat, the Karnatak area or the Abu area, as shown on the appointed day in the register prepared and maintained under section 29 of the Act for the former State of Bombay.

10. Residuary provision.—Any other assets or liabilities of the existing Council not expressly hereinbefore provided for, shall be apportioned in the manner provided in paragraph 9.

11. Legal proceedings.—Where immediately before the appointed day, the existing Council is a party to any legal proceedings instituted in any court, by or against any pharmacist or other person,—

- (a) if the Court is situated in the Bombay area of the State of Gujarat, the Gujarat State Pharmacy Council;
- (b) if the Court is situated in the Karnatak area, the Government of Mysore;
- (c) if the Court is situated in the Abu area, the Government of Rajasthan;
- (d) in any other case, the Maharashtra State Pharmacy Council.

shall, respectively, be deemed to be substituted for the existing Council as a party to those proceedings, and the proceedings may continue accordingly.

12. Contracts.—Where before the appointed day, the existing Council has made any contract which on that date is subsisting, that contract shall be deemed to have been made—

- (a) if the purposes of the contracts are as from the appointed day exclusively relatable to the Bombay area of the State of Gujarat, by the Gujarat State Pharmacy Council;
- (b) if the purposes of the contract are as from the appointed day exclusively relatable to the Karnatak area, by the Government of Mysore;
- (c) if the purposes of the contract are as from the appointed day exclusively relatable to the Abu area, by the Government of Rajasthan;
- (d) in any other case, by the Maharashtra State Pharmacy Council;

and accordingly, all rights and liabilities which have accrued or may accrue under any such contract shall, to the extent to which they would have been the rights and liabilities of the existing Council, be the rights and liabilities of the Gujarat State Pharmacy Council, the Government of Mysore, the Government of Rajasthan or the Maharashtra State Pharmacy Council, as the case may be.

13. Transfer of certain proceedings pending before existing Council.—Any proceeding relating to a pharmacist or any other person which is pending immediately before the appointed day before the existing Council shall, on that day, stand transferred for disposal according to law—

- (a) to the Gujarat State Pharmacy Council, if the person is ordinarily resident in the Bombay area of the State of Gujarat;

- (b) to the Government of Mysore, if the person is ordinarily resident in the Karnatak area;
- (c) to the Government of Rajasthan, if the person is ordinarily resident in the Abu area; or
- (d) in any other case, to the Maharashtra State Pharmacy Council.

14. **Saving.**—Any rules framed in respect of the existing Council shall, until other provision is made under the Act in respect of the relevant Council, be deemed to be rules framed in respect of the Maharashtra State Pharmacy Council and the Gujarat State Pharmacy Council.

15. **Adaptations and modifications in the Act.**—As from the appointed day, the Act shall, until altered, repealed or amended by the competent legislature, have effect in the State of Maharashtra, Gujarat, Mysore and Rajasthan, subject to the provisions of, and the adaptations and modifications directed by, the Schedule annexed hereto.

SCHEDULE

(See paragraph 15)

THE PHARMACY ACT, 1948 (8 OF 1948)

1. For the proviso to sub-section (3) of section 1, the following proviso shall be substituted, namely:—

“Provided that where on account of the territorial changes brought about by virtue of the State Reorganisation Act, 1956 or of any other enactment relating to reorganisation of States, Chapters III, IV or V have effect only in a part of a State, the said chapters or such of the said chapters as do not have effect in the remaining part of that State shall take effect in the remaining part of the State from such date as the State Government may in like manner appoint.”

2. After section 19, the following section shall be inserted, namely:—

“19 A. *Temporary provision in respect of the Bombay State Pharmacy Council and constitution of State Councils for the States of Maharashtra and Gujarat.*—(1) The Bombay State Pharmacy Council constituted under section 19 and functioning and operating in a part of the States of Maharashtra, Gujarat, Mysore and Rajasthan immediately before the date on which the Bombay State Pharmacy Council (Reorganisation) Order, 1964 issued under section 4 of the Inter-State Corporations Act, 1957 (38 of 1957), comes into force shall, as from the date, stand dissolved and the members thereof shall, notwithstanding anything contained in section 25 vacate their office.

(2) As from the date specified in sub-section (1)—

- (a) the Government of Maharashtra shall constitute a State Council, which shall be called the Maharashtra State Pharmacy Council and which shall be constituted in the manner specified in section 19;

Provided that, the six members to be elected by registered pharmacists under clause (a) of section 19 and the member to be elected by the Medical Council under clause (c) of that section, shall also be nominated by the Government of Maharashtra;

- (b) the Government of Gujarat shall constitute a State Council, which shall be called the Gujarat State Pharmacy Council and which shall be constituted in the manner specified in section 19;

Provided that, the six members to be elected by registered pharmacists under clause (a) of section 19 and the member to be elected by the Medical Council under clause (c) of that section, shall also be nominated by the Government of Gujarat.

(3) The members of the Maharashtra State Pharmacy Council and the Gujarat State Pharmacy Council constituted under sub-section (2) shall, notwithstanding anything contained in section 25, hold office for a period of five years or till such time as a Council is duly constituted under section 19 of the Act, after the register of pharmacists for the State of Maharashtra or the State of Gujarat, as the case may be, is prepared under section 29A, whichever is earlier.

(4) The President and the Vice-President of the Maharashtra State Pharmacy Council and the Gujarat State Pharmacy Council shall, notwithstanding anything contained in section 23, be nominated by the Government of Maharashtra and the Government of Gujarat, as the case may be, from amongst the members of the relevant Council.

(5) The Maharashtra State Pharmacy Council shall, notwithstanding any other provision of this Act, function and operate—

- (i) in the Bombay Area and the Hyderabad Area of the State of Maharashtra with effect from the date specified in sub-section (1); and
- (ii) in the Vidarbha region of the State of Maharashtra, with effect from such date as the Government of Maharashtra may appoint by notification under the proviso to sub-section (3) of section 1, published in the Official Gazette, as being the date on which Chapters III and V shall have effect in the said area.

(6) The Gujarat State Pharmacy Council shall, notwithstanding anything contained in any other provision of this Act, function and operate—

- (i) in the Bombay area and the Kutch area of the State of Gujarat, with effect from the date specified in sub-section (1); and
- (ii) in the Saurashtra area of the State of Gujarat with effect from such date as the Government of Gujarat may appoint by notification under the proviso to sub-section (3) of section 1 published in the Official Gazette as being the date on which Chapters III, IV and V shall have effect in the said area.

(7) Until such time as a State Council is duly constituted under section 19 for the State of Mysore and the State of Rajasthan, the Government of Mysore and the Government of Rajasthan shall, respectively in the Karnatak area and the Abu area, exercise all the powers and perform the functions of the State Council."

3. After section 29, the following shall be inserted, namely:—

"29A. Provision in respect of registers of Pharmacists for the State of Maharashtra and the State of Gujarat: (1) As soon as possible, after the date on which the Bombay State Pharmacy Council (Reorganisation) Order, 1964, made under section 4 of the Inter-State Corporations Act, 1957, (38 of 1957), comes into force, the Maharashtra State Pharmacy Council shall, notwithstanding anything contained in sections 30, 31 and 32, prepare and maintain thereafter a register of pharmacists for the State of Maharashtra. The register shall include the names of—

- (a) all pharmacists included in the register of pharmacists for the former State of Bombay duly prepared and maintained under section 29, whose residential addresses as shown therein on the aforesaid date do not fall in the territories of the State of Gujarat or in the area of the former State of Bombay transferred to the State of Mysore or Rajasthan on the 1st November, 1956, and in the register for the former State of Madhya Pradesh prepared and maintained likewise, whose residential addresses as shown therein on the aforesaid date fall in the territories of the State of Maharashtra;

Provided that, the names of the pharmacists in the register of pharmacists for the former State of Madhya Pradesh shall not be included in the register for the State of Maharashtra until the Maharashtra State Pharmacy Council starts functioning and operating in the Vidharba region of the State of Maharashtra under clause (ii) of sub-section (5) of section 19A;

- (b) Such other pharmacists as are entitled to have their names included in a State register of Pharmacists under section 32A.

(2) As soon as possible, after the date on which the Bombay State Pharmacy Council (Reorganisation) Order, 1964, issued under section 4 of the Inter-State Corporations Act, 1957 (38 of 1957), comes into force, the Gujarat State Pharmacy Council shall, notwithstanding anything contained in sections 30, 31 and 32, prepare and maintain thereafter a register of pharmacists for the State of Gujarat. The register shall include the names of—

- (a) all pharmacists included in the register of pharmacists for the former State of Bombay duly prepared and maintained under section 29, whose residential addresses as shown therein on the aforesaid date, fall in the territories of the State of Gujarat; and

(b) such other pharmacists as are entitled to have their names included in a State register of pharmacists under Section 32A.

(3) Until a register of pharmacists for the State of Maharashtra or the State of Gujarat is prepared under sub-section (1) or (2), as the case may be, the register duly maintained under section 29 and in force immediately before the date specified in sub-section (1), in the Bombay area of the State of Maharashtra and the Bombay area of the State of Gujarat, as the case may be, shall be deemed to be the register of pharmacists for that part of the State of Maharashtra or the State of Gujarat, as the case may be, in which it was in force.

(4) All pharmacists included in the register for the former State of Bombay duly prepared and maintained under section 29, whose residential addresses as shown therein on the date specified in sub-section (1) fall in the area of the former State of Bombay transferred to the new State of Mysore or the area of the former State of Bombay transferred to the new State of Rajasthan, shall be entitled to have their names included in the register of pharmacists for the State of Mysore or the State of Rajasthan, as the case may be, without being required to pay the prescribed fee."

4. In Section 32A, in sub-section (3), for the words "two years" the words "six years" shall be substituted.

[No. F. 8/1/62-SR(R).]

HARI SHARMA, Additional Secy.

